

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GJ RANCHES, LLC,

Plaintiff,

vs.

1:24-cv-00897-KWR-KK

LUMBERTON MUTUAL DOMESTIC
WATER CONSUMERS ASSOCIATION and
FILE CONSTRUCTION LLC,

Defendants.

**MEMORANDUM OPINION AND ORDER DENYING DEFENDANT LUMBERTON
MUTUAL DOMESTIC WATER CONSUMERS ASSOCIATION’S MOTION TO
AMEND MEMORANDUM ORDER**

THIS MATTER comes before the Court on Defendant Lumberton Mutual Domestic Water Consumers Association’s Motion to Amend Memorandum Order (**doc. 37**), which seeks to amend the Court’s Memorandum Order and Opinion Granting Defendant’s Partial Motion to Dismiss (**doc. 34**).

Defendant Lumberton Mutual Domestic Water Consumers Association (“LMDWCA”) objects to the Court’s decision to dismiss certain claims without prejudice. **Doc. 37**. However, the Court is entitled to exercise its discretion in dismissing with or without prejudice under Rule 12(b)(6). *Kerr v. Polis*, 20 F.4th 686, 718 (10th Cir. 2021) (*en banc*) (Bacharach, J., concurring) (“[U]nder Rules 41(b) and 12(b)(6), a district court has discretion to dismiss a complaint without prejudice when the district court concludes that circumstances so warrant.” (quoting *Rollins v. Wackenhut Servs., Inc.*, 703 F.3d 122, 132 (D.C. Cir. 2012) (Kavanaugh, J., concurring))).

Defendant has not demonstrated any compelling circumstances warranting amending the Court’s original order. The Court will therefore **DENY** Defendant’s Motion to Amend (**Doc. 37**).

IT IS SO ORDERED.

/S/

KEA W. RIGGS
UNITED STATES DISTRICT JUDGE